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PLAN

For the STUDY of the

FEUDAL AND ENGLISH

LAWS,

IN THE

UNIVERSITY of DUBLIN.

This Plan was drawn up in Obedience to the
Commands of the Provoſt and Senior Fellows of
TRINITY - COLLEGE, DUBLIN;
And is now ſubmitted to their Conſideration,

By FRANCIS STOUGHTON SULLIVAN, L.L.D.
Profeſſor.

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IN order to accompliſh the Ends propoſed by any Foundation, the original Motives and Deſign of its Inſtitution muſt, of Neceſſity, be the firſt, and the great Object of the Perſon appointed to carry it into Execution. And this will be the more requiſite, wherever it happens, as in the preſent Caſe, that the Study is intirely new, and where conſequently the Profeſſor cannot have the Advantage of correcting and improving his own Plan, by comparing it with the Method of a Predeceſſor, and by the Lights he would certainly have received from a Courſe of Obſervation on the Proficiency of the Pupils.

The Publication of Mr. *Blackſtone*'s excellent Analyſis of the *Engliſh* Law, and the univerſally acknowledged Succeſs of his Lectures, do in a great Meaſure obviate this Inconvenience, and ſeem to call upon every Profeſſor in the ſame *Branch*, to tread in the Steps of ſo great a Maſter: And yet, if the Univerſities of *Oxford* and *Dublin* are ſo differently circumſtanced, as to require different Methods; and, if the Royal Statutes which found the Profeſſion in this Univerſity, are drawn up with a View to thoſe different Circumſtances; it is hoped, that the propoſing a Scheme of Inſtruction for Students here, not exactly conſonant to his, will not be thought too preſumptuous.

The main End and Intention of both Foundations are confeſſedly the ſame; that ſince the Diſuſe of Lectures in the Inns of Court, young Gentlemen may be aſſiſted in the Study of the Law, and thereby qualified to derive the full Advantage from their Attendance at *Weſtminſter*. But here *Oxford* is poſſeſſed of a Convenience in its Neighbourhood to *Weſtminſter*, by which, Students are enabled to continue their Attendance on the public Lectures of the Univerſity for four or five Years ſucceſſively, without being deprived of the Opportunities of Inſtruction which the Courts afford them. For them, therefore, a comprehenſive Courſe taking in the whole Compaſs of the *Engliſh* Law, and that in all Parts equally diffuſive, is the moſt proper; ſince whatever may be too difficult for them in the firſt or ſecond, will be received with Eaſe and Pleaſure in the third and fourth Years: In *Dublin*, on the contrary, the Students muſt quit their Profeſſor in two Years, or a little more, never to return: His Method therefore, ſhould be calculated entirely for the Uſe of Beginners, whoſe Minds, yet tender, are not to be diſtracted or confounded with a too great Variety of Objects. And accordingly the Statutes for this Foundation have provided, that the Inſtruction ſhall be partly by Examining the Students in Books appointed them to read, and partly by the Profeſſor's Lectures, illuſtrating and deducing from their Sources, the Reaſons of the Laws laid down in the Authors appointed. A Method, it is apprehended, not ſo conſiſtent with that extenſive Scheme which Mr. *Blackſtone* hath planned for *Oxford* with ſo much Judgment, and executed with ſo much Reputation and Succeſs.

Theſe Conſiderations, the Profeſſor hopes will juſtify him in propoſing that his Lectures ſhould be more diffuſive and particular in the elementary Parts, and that his Lectures on thoſe Parts of the Law, in which Students of that Standing, cannot be ſuppoſed capable of attaining to an exact and compleat Proficiency, ſhould contain only the Outlines of the remaining Heads of the Law, with the neceſſary Definitions, Diviſions, Maxims, and Illuſtrations, ſuch as the young Gentlemen may receive with Eaſe, and retain without Confuſion, and may afterwards fill up at their Leiſure by their ſubſequent Reading, and their Attendance at *Weſtminſter*.

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The Plan propoſed conſiſts of 3 Parts.

1. The Method of Inſtruction.
2. The Times of Inſtruction.
3. The Encouragements of the Study.

I. As to the Method of Inſtruction,

It is propoſed to begin with the Feudal Law from which the *Engliſh* Law of Tenures is derived, as the moſt advantageous Method for all Gentlemen,

{Whether deſigned for the Profeſſion of the Law,
Or,
Not deſigned for the Profeſſion.

For Gentlemen deſigned for the Profeſſion, will the better underſtand and remember the Rules of the Common Law, when they have diſcovered their Reaſons in the Feudal, and have ſeen how naturally and even neceſſarily they flow from that Source.

And Gentlemen not deſigned for the Profeſſion, will by this Method more eaſily and agreeably than by any other, acquire ſuch a general Inſight into the Law of their Country, as is neceſſary for their Rank; they will no longer be ſtartled with the ſeeming Abſurdity of ſome of its Maxims, and by knowing the Nature of a Feudal Monarchy, they will better underſtand the Conſtitution and Hiſtory of their own, and the neighbouring Nations.

The great Uſefulneſs of the Feudal Law for theſe Purpoſes, can never be doubted by any who have conſidered, with what Succeſs, ſeveral Parts of the BRITISH LAW have been illuſtrated and deduced from it, by *Craig*, *Spelman*, *Hale*, *Gilbert*, *Wright* and *Dalrymple*, and how conſtantly its Principles are applied to the ſame End by Mr. *Blackſtone*.

This Study however, being only preparatory, ſhould be ſhort, that the Students may not be too long detained from their principal Object: and therefore, *Corvini Jus Feudale per Aphoriſmos ſtrictim explicatum*, the ſhorteſt and plaineſt Book on the Subject, is propoſed, as the moſt proper to be put into their Hands.

The Lectures read by the Profeſſor, while the Students read *Corvinus*, ſhould contain,

1. The Hiſtory of the Origin and Progreſs of that Law, wherein ſhould be ſhewn more particularly the Grounds and Reaſons of thoſe Parts of it that obtained in *England*; and the Delineation of the Nature and Conſtitution of a Feudal Monarchy.
2. A very ſhort Account, of the ancient *Engliſh* Law, how far it differed from, or agreed with the Feudal; of the Introduction of that Law into *England*, at the Conqueſt, of its moſt material Corrections and Alterations by *Magna Charta* and other Statutes, to the End of the Reign of *Edward* the firſt; and of the Introduction of the Civil and Canon Laws, which happened in this Period.

Corvinus's Treatiſe being ſyſtematical; theſe Lectures are propoſed to proceed in an hiſtorical Method, as more entertaining to Beginners, and better adapted to ſhew the Reaſons of the original Law, and of its ſeveral ſubſequent Alterations.

2. It is propoſed that the Students ſhould proceed from the Feudal to the Engliſh Law, and as Sir *Mathew Hale* adviſes to the Law of Things before that of Perſons.

Littleton's Tenures, as being the ſhorteſt, the plaineſt, the moſt methodical, and the beſt Authority of any Book on this Subject, is propoſed as the fitteſt to begin with.——And, although, much of the Law contained therein is now obſolete, the whole Treatiſe ſhould be read through, being abſolutely neceſſary to underſtand other Books, to which a Lawyer muſt have perpetual Recourſe.

At the ſame Time, the Statutes antecedent to him which concern thoſe Parts of the Law he treats of, ſhould, as the Students proceed, be conſulted by them, and explained by the Profeſſor.

By this Time it is hoped *Coke*'s Commentary on *Littleton*, or the greater Part thereof, will become intelligible. His firſt Inſtitute, therefore, is propoſed to be read in the next Place: But, as it cannot be expected that Students of this Standing will be able to follow him through all his curious Digreſſions, it muſt

muſt be the Profeſſor's particular Care to point out the Parts, in which the Law is altered or diſuſed, and to inſiſt principally on ſuch as ſtill remain in Force; the Statutes referred to, or quoted by him, ſhould alſo be read together with his Commentary.

While the Students are thus employed; the Profeſſor's concomitant Lectures ſhould in a ſyſtematical Method treat of the *Engliſh* Law of Property, Real and Perſonal, ſetting forth their Diviſions, Natures, and Incidents, how they are acquired, tranſmitted, forfeited, loſt, and recovered; what Wrongs they are liable to while in Poſſeſſion, and how thoſe Wrongs are remedied. And here the Alterations of the Law ſince Lord *Coke*'s Time, muſt be introduced in their proper Places.

By this Time it is apprehended a Year and a half at leaſt, will be elapſed in the Study, and that in general the Gentlemen will ſoon think of repairing to *Weſtminſter*. To the End therefore, that they may have a general Idea of the whole Body of *Engliſh* Law, it is propoſed;

That the Profeſſor's Lectures ſhould in a ſummary Manner, draw the Outlines of the remaining Parts of the Law, viz.

1. The Law of Perſons natural and Corporate, their ſeveral Rights, Wrongs, and Remedies.
2. Publick Wrongs, and their Remedies.
3. The Number and Nature of Courts, their Juriſdictions, and a general View of their Manner of Proceeding.

The Students ſhould in the mean Time, read the beſt and moſt uſeful of *Coke*'s Reports, and compare them with the ſame Caſes, as reported by his Cotemporaries, and with the Acts of Parliament referred to by the Reporters.

As the Habit of Speaking readily and clearly, is to all Men, but eſpecially to Gentlemen of this Profeſſion, of the higheſt Moment, and therefore can not be too ſoon acquired, it is ſubmitted, whether it would not be more profitable, if the Students are by this Time found capable of it, to divide them into Council for Plaintiff and Defendant, and to make them argue the Caſes from ſhort Notes taken by themſelves from the Reports, rather than barely to examine them?

II. As to the Times of Inſtruction.

Mr. *Blackſtone*'s Lectures begin in *October*, and end about the Middle of *March*, and are ſo contrived as not to interfere with his Attendance at *Weſtminſter*. Hence his Lectures neceſſarily ſucceed one another ſo faſt, as to render it impoſſible for Students (of the firſt Year at leaſt) to keep any Pace with him in their private Reading: This indeed, at *Oxford* is compenſated by the Opportunity they have of attending ſeveral ſubſequent Years. But, as this cannot be the Caſe in the Univerſity of *Dublin*, and as the College Vacations, when the young Gentlemen are much in the Country, and thoſe of the Law do moſtly coincide, it is apprehended to be impoſſible to fix Times for the Lectures, in ſuch a Manner that they ſhall not moſt of them fall into the Law Terms.

The Times therefore propoſed are *Wedneſdays* and *Saturdays*, at nine of the Clock in the Morning in every Week of the following Terms.

Michaelmas Term to begin the third Week in *October*, and to laſt nine Weeks.

Hillary Term to begin the third Week in *January*, and to laſt eight Weeks.

Eaſter Term to begin the ſecond Week after *Eaſter*, and to laſt ſix Weeks.

Trinity Term to begin the third Week in *June*, and to laſt four Weeks.

III. As to the Encouragement of the Study,

An Examination of all the Students at the End of *Trinity* Term, in Preſence of the Provoſt and Senior Fellows, and ſuch others as they ſhall think proper to admit, and a Diſtribution of Præmiums to the moſt deſerving on ſuch Examination, is propoſed as the moſt effectual Method of Encouragement.

It would likewiſe be very proper that the Profeſſor ſhould ſometime before the Beginning of every Term, return to the Provoſt and Senior Fellows, the Names, of every Student, with an Account of the Attendance and Proficiency of each of them during the preceding Term, that at the Opening of every Term the Board may have it in their Power to take ſuch public Notice of them as their Conduct ſhall appear to deſerve.

Experience will point out other Encouragements, and will doubtleſs ſuggeſt many Corrections of, and Improvements on every Part of this Plan.

FINIS.